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December 21, 2020

VIA CM/ECF

The Honorable Colm F. Connolly
District Court of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: *University of Massachusetts and Carmel Laboratories, LLC v.*
L'Oréal USA, Inc., C.A. No. 17-868-CFC-SRF

Dear Judge Connolly:

In light of the current and ongoing health crisis, Defendant L'Oréal USA, Inc. ("L'Oréal USA") respectfully seeks guidance from the Court on whether the jury trial in this matter, presently scheduled for February 8, 2021, is likely to move forward in accordance with the District of Delaware's jury trial guidelines. L'Oréal USA has multiple witnesses who are located outside the United States or have health concerns related to an in-person trial given the current state of affairs. As a result, and given the upcoming holidays and that trial is close to a month and a half away, L'Oréal USA believes this is an appropriate time to approach the Court on the status of the February 8th trial in order to better and more safely make plans.

In light of the practical difficulties that exist for trial in February, no matter how quickly the COVID-19 vaccines can be distributed, L'Oréal USA approached Plaintiffs about reaching out to the Court to ask for the next available trial dates on the Court's calendar after February 8. On a meet and confer earlier today, Plaintiffs opposed L'Oréal USA's proposal to jointly contact the Court to see how the issue might be addressed. As a result, L'Oréal USA writes to seek guidance on the status of the jury trial. L'Oréal USA's proposes that the filing of the pretrial order (due January 25) and pretrial conference (January 28) proceed as currently scheduled so that the parties are trial-ready. Should the Court wish to have a telephone conference or submissions on the issue, L'Oréal USA is available at the Court's convenience.



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Respectfully,

/s/ Frederick L. Cottrell

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Cc: All Counsel of Record (via CM/ECF)